IN THE HIGH COURT OF UTTARANCAL AT NAINITAL

WRIT PETITION NO.682 (MS) OF 2006

Smt. Muneshwari Devi,
Wife of Shir Suraj Bali,
R/o Village Bhajanpur Banbasa,
Post Office Banbasa,
District-Champawat. .....Petitioner.

Versus

1. The Collector, Champawat.
2. Up-Zila Adhikari, Tanakpur, District-Champawat.
3. The Tehsildar, Tehsil-Tanakpur, District-Campawat.
4. The Sub Divisional Officer (Canal) Banbasa, District Champawat.
5. The Gaon Sabha Banbasa, Tanakpur, District Champawat, through its Pradhan. .....Respondents.

Dated: 09.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Yogesh Pandey, Advocate for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to decide the representation of the petitioner. So far as the allotment of the land is concerned the grievance of the petitioner is that in respect of the order passed by the Allahabad High Court on 20.01.1992, no representation has been decided. The order of the Allahabad High Court was to the following effect:-

"In pursuance of the directions issued by this Court on 30th November, 90 in a writ petition filed by the petitioners, the Addl. District Magistrate on 7th December, 90 directed the Sub-Divisional Magistrate concerned to take appropriate action on the application made by the petitioners for allotment of lands to them. The sub-Divisional Magistrate having failed to take any action, the petitioners, on 16.1.91 made an application to the Collector/District Magistrate stating therein that the Sub-Divisional Magistrate has failed to take any action,. The collector it is stated, has called for same report.

The Collector and the Sub-Divisional Magistrate should have acted in accordance with the spirit of the order passed on 30.11.90; It is true that no positive direction had been issued in the sense that no definite date had been fixed by this court by which the District Magistrate Collector was to dispose of the application. However, such a direction was implicit when this court observed then the matter should be disposed of as expeditiously as possible.

We now feel that an stage has arrived when a positive direction should be issued.

We accordingly direct the collector/District Magistrate, Nainital to dispose of the application made by the petitioners with a speaking order within a period of one month form thue date of production of a certified copy of this order by any of the petitioners before him.

With these directions the position is disposed of finally. A copy of this order may be given to learned counsel for the parties on payment of usual charges within 24 hours."

In view of the aforesaid, the respondents are directed to decide the representation with a period of three weeks from the date of presentation of the certified copy of the order.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

09.06.2006
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